

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2522**

---

**Introduced by Assembly Member Saldana**

February 19, 2010

---

~~An act to amend Section 2761 of the Business and Professions Code, relating to nursing. An act to add Section 16321 to the Government Code, relating to state government.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2522, as amended, Saldana. ~~Nursing: disciplinary action. Professional sports teams: public funding prohibition.~~

*Under existing law, the state is authorized to appropriate funds and resources to various businesses for economic development purposes.*

*This bill would, except in specified circumstances, prohibit a professional sports team or franchise whose home stadium is located in this state from being eligible to receive state public funds in the fiscal year following any fiscal year in which a broadcast of any home sporting event of that professional team or franchise is blacked out for any reason.*

Existing law, the Nursing Practice Act, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing. The board also certifies advance practice registered nurses. Existing law authorizes the board to take disciplinary action against these nurses or to deny an application for a certificate or license for various acts and offenses.

~~This bill would make nonsubstantive, technical changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 16321 is added to the Government Code,  
2     to read:  
3     16321. (a) Subject to subdivision (b), if a broadcast of any  
4     home sporting event of a professional sports team or franchise  
5     whose home stadium is located in this state is blacked out for any  
6     reason, including, but not limited to, the black out rules of the  
7     professional league to which the professional team or franchise  
8     is a member, the professional sports team or franchise shall not  
9     be eligible to receive any state public funds in the following fiscal  
10    year.  
11    (b) The provisions of this section shall not apply to any of the  
12    following:  
13    (1) Public funds appropriated to a professional sports team or  
14    franchise prior to January 1, 2011.  
15    (2) Revenues from taxes imposed for the support of a  
16    professional sports team or franchise that are in effect prior to  
17    January 1, 2011.  
18    (3) Public funds that must be appropriated or allocated to a  
19    professional sports team or franchise pursuant to a contract if  
20    failure to appropriate or allocate the funds would constitute a  
21    breach of the contract.  
22    ~~SECTION 1. Section 2761 of the Business and Professions~~  
23    ~~Code is amended to read:~~  
24    ~~2761. The board may take disciplinary action against a certified~~  
25    ~~or licensed nurse or deny an application for a certificate or license~~  
26    ~~for any of the following:~~  
27    ~~(a) Unprofessional conduct, which includes, but is not limited~~  
28    ~~to, all of the following:~~  
29    ~~(1) Incompetence, or gross negligence in carrying out usual~~  
30    ~~certified or licensed nursing functions.~~  
31    ~~(2) A conviction of practicing medicine without a license in~~  
32    ~~violation of Chapter 5 (commencing with Section 2000), in which~~  
33    ~~event the record of conviction shall be conclusive evidence thereof.~~  
34    ~~(3) The use of advertising relating to nursing that violates~~  
35    ~~Section 17500.~~

1     ~~(4) Denial of licensure, revocation, suspension, restriction, or~~  
2     ~~any other disciplinary action against a health care professional~~  
3     ~~license or certificate by another state or territory of the United~~  
4     ~~States, by any other government agency, or by another California~~  
5     ~~health care professional licensing board. A certified copy of the~~  
6     ~~decision or judgment shall be conclusive evidence of that action.~~

7     ~~(b) Procuring his or her certificate or license by fraud,~~  
8     ~~misrepresentation, or mistake.~~

9     ~~(c) Procuring, or aiding, or abetting, or attempting, or agreeing,~~  
10    ~~or offering to procure or assist at a criminal abortion.~~

11    ~~(d) Violating or attempting to violate, directly or indirectly, or~~  
12    ~~assisting in or abetting the violating of, or conspiring to violate~~  
13    ~~any provision or term of this chapter or regulations adopted~~  
14    ~~pursuant to it.~~

15    ~~(e) Making or giving any false statement or information in~~  
16    ~~connection with the application for issuance of a certificate or~~  
17    ~~license.~~

18    ~~(f) Conviction of a felony or of any offense substantially related~~  
19    ~~to the qualifications, functions, and duties of a registered nurse;~~  
20    ~~in which event the record of the conviction shall be conclusive~~  
21    ~~evidence thereof.~~

22    ~~(g) Impersonating any applicant or acting as proxy for an~~  
23    ~~applicant in any examination required under this chapter for the~~  
24    ~~issuance of a certificate or license.~~

25    ~~(h) Impersonating another certified or licensed practitioner, or~~  
26    ~~permitting or allowing another person to use his or her certificate~~  
27    ~~or license for the purpose of nursing the sick or afflicted.~~

28    ~~(i) Aiding or assisting, or agreeing to aid or assist any person~~  
29    ~~or persons, whether a licensed physician or not, in the performance~~  
30    ~~of, or arranging for, a violation of any of the provisions of Article~~  
31    ~~12 (commencing with Section 2220) of Chapter 5.~~

32    ~~(j) Holding oneself out to the public or to any practitioner of~~  
33    ~~the healing arts as a “nurse practitioner” or as meeting the standards~~  
34    ~~established by the board for a nurse practitioner unless meeting~~  
35    ~~the standards established by the board pursuant to Article 8~~  
36    ~~(commencing with Section 2834) or holding oneself out to the~~  
37    ~~public as being certified by the board as a nurse anesthetist, nurse~~  
38    ~~midwife, clinical nurse specialist, or public health nurse unless the~~  
39    ~~person is at the time so certified by the board.~~

~~(k) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of blood-borne infectious diseases from licensed or certified nurse to patient, from patient to patient, and from patient to licensed or certified nurse. In administering this subdivision, the board shall consider referencing the standards, regulations, and guidelines of the State Department of Health Services developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, guidelines, and regulations pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300), Division 5, Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health care settings. As necessary, the board shall consult with the Medical Board of California, the Board of Podiatric Medicine, the Dental Board of California, and the Board of Vocational Nursing and Psychiatric Technicians, to encourage appropriate consistency in the implementation of this subdivision.~~

~~The board shall seek to ensure that licentiates and others regulated by the board are informed of the responsibility of licentiates to minimize the risk of transmission of blood-borne infectious diseases from health care provider to patient, from patient to patient, and from patient to health care provider, and of the most recent scientifically recognized safeguards for minimizing the risks of transmission.~~